

REMARKS/ARGUMENTS

Claims 1-20, 22-60, 62, and 64-65 are pending in the application. A listing of claims is provided above in order to facilitate the Examiner's review of the below remarks.

Discussion of Rejections Under 35 U.S.C. §103

Claims 1-20, 22-60, and 62-65 apparently stand rejected under 35 U.S.C. 103(a) in view of U.S. Patent Application Publication No. 2003/0008669 (Stein) in view of U.S. Patent Application Publication No. 2003/0050077 (Takeuchi). The Office Action listed less than all of these claims as being rejected on page 3, but addressed all of these claims in the following pages discussing the rejections.

Applicant respectfully asserts that Stein, as explained in the Amendment dated September 17, 2009, does not teach at least the element in claim 1 of PEI including location node identification and longitude and latitude information of the location node, or similar features in independent claims 27, 42, 62, and 64. Stein further does not teach at least a similar feature in independent claim 65. The citation of Takeuchi does not make up for these deficiencies. The "Response to Arguments" in the Office Action dated December 10, 2009 noted that Applicant's arguments were considered but moot in view of the new grounds of rejection. It is respectfully asserted that the new grounds of rejection do not address the distinctions relative to Stein, as Takeuchi is not cited for making up for the deficiencies of Stein noted in the September 17, 2009 Amendment. Thus, the arguments previously presented are not moot.

In a Response filed August 10, 2009, Applicant argued that Stein does not teach, disclose, or suggest at least a location node that provides longitude and latitude of the location node in position estimate information (PEI).

In an Advisory Action dated September 1, 2009, the Examiner responded that Stein, in paragraphs 41-43, does teach or suggest this feature. Advisory Action, p. 2.

In the Amendment dated September 17, 2009, Applicant explained that paragraphs 41-43 of Stein discuss features that are distinct from the those claimed in the instant application. Stein discusses that repeaters are assigned identification codes and that one or more

position estimates are used for the repeaters. ¶[0041]. The identification code and the position estimate for each repeater may be stored in a table located at a position determining entity (PDE), at the terminal whose location is to be determined, a base station, and/or a base station controller. ¶[0042]. The identification codes are transmitted to the terminals. ¶[0043]. The position estimate can then be determined from the stored identification code and stored position estimate using the transmitted identification code. ¶[0042].

Thus, in Stein, the identification code is transmitted to the terminal from a repeater, and the position estimate of the repeater is retrieved from a stored table. The position estimate of the repeater is not transmitted by the repeater to the terminal. When Stein, in paragraph 0042, mentions that the identification code and the position estimate are to be “provided” for the terminals, Stein states that they are provided in a stored table, not transmitted or transmitted by the repeater to the terminal.

Conversely, **claim 1** recites a method for calculating an estimate of a mobile station where the method includes “collecting in a mobile station, position estimate information (PEI) transmitted by a location node in one or more messages carried on at least one of a common channel or a dedicated channel, and wherein the PEI in the one or more messages includes a location node identification and longitude and latitude information of the location node.” (emphasis added). Takeuchi is cited for discussing base stations and does not make up for these deficiencies of Stein. Independent **claims 42 and 62** include features that are substantially the same as those discussed above in relation to claim 1. Independent **claim 27** includes a feature of “receiving in a position determination entity, the PEI parameters which have been sent by the mobile station, the PEI parameters including information from which the location node can be located or identified and wherein the PEI parameters contain some or all of the PEI received from the location node and additional information which can be identified by the mobile station based on longitude and latitude information included in the PEI.” Independent **claim 64** includes substantially the features discussed above in relation to claim 1 and claim 27. Independent **claim 65** recites a mobile station that includes a processor configured to determine location node identification and longitude and latitude information of a location node from PEI received from the location node.

Thus, independent claims 1, 27, 42, 62, 64, and 65 are patentable in view of Stein and Takeuchi for at least these reasons. For at least these same reasons, claims 2-20, 22-26, 28-41, and 43-60, that respectively depend from independent claims 1, 27, and 42 are patentable in view of Stein.

New Claims

Dependent claims 66-67 have been added. These claims depend from independent claims 65 and 1, respectively, and are patentable for at least the reason that they depend from patentable claims. No new matter has been introduced by these claims.

CONCLUSION

In view of the foregoing, all claims now pending in this Application are believed to be in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

It is believed that the instant response is filed within the shortened statutory period for response provided in the Office Action of December 10, 2009.


If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account. In the event that additional fees are required or credit is due, authorization is hereby given to charge or credit Deposit Acct. No. 17-0026.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

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Respectfully submitted,


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